

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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Leisa Lowe,

Plaintiff,

and

Wisconsin Dept. of Health Services,

Involuntary Plaintiff,

v.

Wal-Mart Stores, Inc.,  
ABC Insurance Company,

Defendants.

Case No. 2:17-CV-00976 WED

Case Code: 30107

Other – Personal Injury

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**RULE 26(f) JOINT INITIAL STATUS REPORT AND DISCOVERY PLAN**

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Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Civil Local Rule 16, and in compliance with the Court's Scheduling Conference Notice, the parties conferred on September 6, 2017 and submit this Joint Report and Discovery Report addressing the issues discussed by the parties in their Rule 26(f) conference.

**A. Nature of the Case**

On or about Tuesday, July 1, 2014, Plaintiff alleges that she slipped and fell in the Health and Beauty section of the Wal-Mart Store located at 401 E. Capitol Drive, Milwaukee, Wisconsin, which she alleges contained an unmarked accumulation of liquid on the tile flooring; and that the Wal-Mart Defendants did not take steps to either warn her of its presence or remove the alleged hazard. As a result, Plaintiff alleges claims against Defendant of common law Negligence and violation of Wisconsin's Safe Place Statute. Wis. Stat. § 101.11. Defendant denies any wrongdoing in this case.

## **B. Electronic Information and Privilege Issues**

The parties do not anticipate any electronic information or privilege issues in this case.

## **C. Material Factual and Legal Issues to be Resolved at Trial**

The parties anticipate that the following material factual and legal issues will need to be resolved in the course of this case or at trial:

- 1) Negligence: Whether Wal-Mart Stores, Inc. was negligent in failing to warn Plaintiff of an alleged hazard located in its store, or to remove the alleged hazard, and if so, whether Wal-Mart Stores, Inc.'s negligence was the cause of Plaintiff's alleged injuries and resulting damages;
- 2) Whether Walmart Stores, Inc. failed to keep the premises of its 401 E. Capitol Drive, Milwaukee, Wisconsin Wal-Mart store as safe as the nature of the premises reasonably permits in compliance with Wisconsin Statutes Section 101.11, and whether Wal-Mart Stores, Inc.'s alleged failure caused Plaintiff's alleged injuries and resulting damages.
- 3) Damages
  - i. The amount of damages, if any, to which Plaintiff is entitled.

## **D. The Estimated Trial Length**

The parties anticipate that trial can be completed in approximately 3 days.

## **E. Any Other Matters Affecting the Just, Speedy and Inexpensive Disposition of this Case, or Which the Court Should Take into Account in Setting the Schedule**

The parties anticipate that a protective order will be necessary in order to protect both proprietary and medical and health information exchanged in discovery. Otherwise, the parties are not aware of any other matters affecting the just, speedy, and inexpensive disposition of this case.

## F. Proposed Discovery Plan

Event	Proposed Date
Rule 26(a)(1) Initial Disclosures	September 18, 2017
Amendments to Pleadings Without Leave	October 31, 2017
Disclosure of Experts and Expert Reports: Plaintiff	November 6, 2017
Disclosure of Experts and Expert Reports: Defendants	January 31, 2018
Dispositive Motions	March 1, 2018
Discovery Cutoff	April 1, 2018
Mediation	May 1, 2018
Motions in Limine and Rule 26(a)(3) Disclosures	July 13, 2018
Responses to Motions in Limine and Objections to Rule 26(a)(3) Disclosures	July 20, 2018
Final Pretrial Conference	July 30, 2018
First Day of Trial	August 1, 2018

Respectfully submitted,

/s/ Kevin R. Martin

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